

## ORDINANCE NO. 532

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; REQUIRING APPLICATION, PERMITS AND FEES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCE NOS. 318, 464, 325, 327-B, 376, 388, AND 503.

The City of Willamina, Oregon, ordains as follows:

Section 1. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "Sewage System" shall mean all city-owned facilities for collecting, pumping, treating and disposing of sewage.

(2) "City Engineer" shall mean the city engineer of the City of Willamina or his authorized deputy, agent or representative.

(3) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(4) "Sewer" shall mean a pipe or conduit for carrying sewage.

(5) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(6) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm surface and groundwater are not intentionally admitted.

(7) "Storm Sewer" and "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(8) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(9) "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

(10) "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

(11) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(12) "Service Connection" shall mean a public sewer which has been constructed to property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

(13) "Building Drain" shall mean that part of the lowest horizontal piping or a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(14) "Building Sewer" shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

(15) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at 20 degrees C. expressed in parts per million by weight.

(16) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(17) "Suspended Solids" shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids; and which are removable by the laboratory filtering.

(18) "ASTM Specifications". All references to the form ASTM shall mean the Standard Specifications or Methods of the American Society for Testing Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specification or method.

(19) "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or groundwater.

(20) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(21) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(22) "Connection Charge" shall mean the fee levied by the City of Willamina to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, and for a portion of the construction cost of the lateral sewers, and other administrative costs.

#### Section 2. Use of Public Sewers Required.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City of Willamina or in any area under the jurisdiction of said City any human excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Willamina, or in any area under the jurisdiction of said City, any unsanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(3) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the corporate limits of the City of Willamina, or in any area under the jurisdiction of said City.

(4) The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Willamina and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Willamina, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this ordinance, within 90 days after the date of official notice to do so provided that said public sewer is available to or on the property and/or at a property line of said property and the structures or buildings are within 300 feet of the public sewer.

Section 3. Connection Charges.

(1) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of this ordinance shall pay a connection charge for each separate service connection to the property.

(2) When one service connection serves two or more property owners, each property owner shall pay a connection charge.

Amended  
by  
569  
\* (3) Any person required to pay a sewer connection charge under the provisions of this ordinance shall, while applying for his sewer connection, pay \$800.00 plus \$20.00 for each year or fraction thereof, after January 1, 1985; provided, however, that for all properties which have been heretofore assessed for the construction of the sewer system at the rate of .027 cents per square foot and have not heretofore obtained sewer service, there shall be a credit allowed upon said connection charge at the rate of .027 cents per square foot for each square foot of property so assessed, with such credit not to exceed \$270.00 in any event. In addition to said connection charge, there shall be charged in all cases all of the costs and expenses specified in Section 4 hereafter, as well as any costs of extending the sewer system specified in Section 3 (4) hereafter. For each apartment or multi-unit dwelling, including but not being limited to trailer parks, said base connection charge shall be paid for the first unit, plus \$500.00 for each additional unit. No more than 10 dwelling units shall be allowed under a single base sewer connection charge.

Repealed  
by 569  
\* (4) In the event a future expansion of the City sewerage system be made by the City itself, the connection charge shall be as in Section 3 (3) hereinabove. In addition to said connection charge, there shall be charged all costs and expenses incident to the extending of the sewer system to provide a building connection to the property to be served, unless the costs and expenses of such extension are otherwise provided for by the City Council.

(5) At any time when any improvement which is connected to the municipal sewer system is destroyed by fire or is torn down and no longer connected to the sewer system, the owner thereof shall file a certificate with the city recorder stating to the date of destruction or removal of said improvements and pay up all sewer service charges from the date of said destruction or removal, and thereafter there shall be no monthly service charge made to said property until new improvements are placed on said premises and connected to the sewer system; and it is further provided that when said property which is removed from the sewer service charges is reconnected to the sewer, the city recorder shall check in the records and determine whether or not said property has paid into the sewer user fund an amount equal to the sums set up as of the date the property is reconnected to the sewer system, then no additional charges will be made. If not, then in that event, upon re-hooking up the property to the municipal sewer system, the owner of said property shall pay the difference between the amount theretofore paid into the City and the amount accruing under Section 3.

(6) The city recorder, upon receipt of a certificate of destruction or removal of improvements to property connected to the municipal sewer system, shall present such certificate at the next council meeting; and the council shall then consider the matter and, upon adoption of a resolution removing said property from the sewer service charge rolls, the recorder shall make proper notation in the proper record of the City and remove said property from the monthly sewer charges until the property is again hooked up to the municipal sewer system.

Section 4. Sewer User Charges. The just and equitable charges aforesaid are hereby established, determined and declared to be as follows:

<u>CODE</u>	<u>TYPE</u>	<u>MONTHLY RATE</u>
1	Residential Uses:	
	Single residences and mobile homes	\$ 5.00
	Duplexes, each unit	5.00
	Apartments, first unit	5.00
	Each additional unit	4.00
	Motels, hotels, RV parks, first unit	5.00
	Each additional unit	3.00
2	Cafes, restaurants, taverns (serving food)	10.00
3	Laundries, first 10 washers	12.00
	Each washer in excess of 10	3.00
4	Office or Commercial buildings/Complexes	
	First office or business	6.00
	Each additional office or business	4.00
5	Schools, per 100 students (year round)	15.00
6	Churches, lodges, private clubs	5.00
7	Car Washes	12.00

<u>CODE</u>	<u>TYPE</u>	<u>MONTHLY RATE</u>
8	Retail food store, less than 2000 square feet	\$ 6.00
	Over 2000 square feet	8.00
9	Senior Citizens (age 62 and over)	4.00
10	Lumber mills	150.00
11	All businesses other than listed	6.00

All charges shall be charged, paid and collected monthly at the rates as shown above, which are monthly rates, and shall be added to and shown on the regular monthly water bill and collected accordingly.

(2) When no water is used in a building or residence because said building or residence has been vacated, sewer charges will be terminated until a new tenant or owner deposits the required amount to reinstate water service. At that time, the appropriate sewer charges will be included with the monthly water bill as stated in Section 4 (1).

#### Section 5. Building Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereto, and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefore.

(2) There shall be two (2) classes of building sewer permits, one for residential and commercial service, another for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Willamina. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent to the engineer's judgement. A permit and inspection fee of \$10.00 shall be paid to the city recorder at the time the application is filed, 80 percent of which shall be refunded after final approval by the engineer. No permit shall be issued until the connection charge specified in Section 3 has been paid, or financing arrangements have been made for installment payments on terms allowed by the City.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

(4) Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and (testing) by the city engineer to meet all requirements of this ordinance.

(5) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the State Plumbing Code and other applicable regulations of the City.

(6) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In a building in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(7) The connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code and other applicable regulations of the City. Each connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the engineer before installation.

(8) The applicant for building sewer permit shall notify the city engineer when the building sewer is ready for inspection and connection to the building drain as defined in Section 1, unless otherwise authorized by the city engineer. A 30-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two feet, and maximum allowable leakage shall be four gallons per hour per 100 feet.

(9) No plumbing contractors shall be allowed to make connections of building sewers to the sewage works of the City of Willamina on behalf of any owners of property therein without first posting with the City a bond in the sum of \$1,000.00, indemnifying the City and the inhabitants thereof against any loss or damage which the City or the inhabitants thereof might suffer by reason of the actions of said contractors in making said connections.

#### Section 6. Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city engineer. Industrial cooling water or unpolluted process water may be discharged, upon approval of the city engineer, to a storm sewer or natural outlet.

(3) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(a) Any liquid or vapor having a temperature higher than 150 degrees C.

(b) Any gasoline, grease, oils, paint, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paurch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works.

(d) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.

(e) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(f) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(g) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the city engineer.

(4) Grease, oil and sand interceptors shall be provided when, in the opinion of the city engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the city engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his expense, in continuously efficient operations at all times.

(5) The admission into the public sewers of any water or wastes:

(a) Having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or

(b) Containing more than 350 parts per million by weight of suspended solids; or

(c) Having an average daily flow greater than 2 percent of the average daily sewage flow of the city;

shall be subject to the review and approval of the city engineer. Where necessary, in the opinion of the city engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary. The design and installation of the proposed preliminary treatment facilities shall be subject to the review of the city engineer, in addition to compliance with the requirements of all applicable codes, ordinances and laws.

(6) When required by the city engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

(7) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(8) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.

(9) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City of Willamina and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

#### Section 7. Protection from Damage.

(1) No person or persons shall unlawfully, maliciously, willfully, or, as the result of gross negligence on his or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the City of Willamina. This section does not apply, however, to any employee of the City during the time he is engaged in his official employment, nor to any person or persons authorized to work in any manner thereon.

#### Section 8. Powers and Authority of Inspectors.

(1) The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance at such times and during such hours as the council shall approve.

#### Section 9. Penalties.

(1) Any person or persons violating any of the provisions of Section 7 of this ordinance shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00.

(2) Any person or persons violating any of the provisions of this ordinance, except Section 7, shall, upon conviction thereof, be punished by a fine of not to exceed \$300.00.

#### Section 10. Recovery of Damages.

(1) Any person or persons who, as the result of violating any of the provisions of this ordinance, cause any expenses, loss or damage to the City of Willamina, shall immediately become liable to the City for the full sum of such expenses, loss or damage. The Council may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action, to be brought in the name of the City of Willamina for the recovery of the full sum of any such expense, loss or damage sustained by the City.



Section 11. Validity.

(1) All other ordinances or parts of ordinances regulating the use of public and private sewers as declared in the title of the foregoing ordinance and in conflict herewith are repealed. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 12. All previous ordinances or part of ordinance inconsistent with any of the provisions of this ordinance are hereby repealed.

Section 13. The Council desires this Ordinance to go into effect on March 1, 1986.

Passed by this Council this 20 day of January, 1986.

AYES Coddington, McNamara, Lehla, Bailey, Buswell, Melugin

NAYS none

Submitted to and approved by the mayor this 31 day of January, 1986.

Kay M. Burke  
MAYOR

ATTEST:

Dorine Lee Olson  
City Recorder

Willamina Ordinances

ORDINANCE NO. 533

AN ORDINANCE PROVIDING CURFEW FOR UNACCOMPANIED OR UNEMANCIPATED MINORS; ESTABLISHING PARENTAL, GUARDIAN, AND CUSTODIAL RESPONSIBILITY; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 453.

The City of Willamina, Oregon, ordains as follows:

Section 1. Curfew Hours. It shall be unlawful for any unemancipated minor to be in or upon any street, highway, park, alley, sidewalk, or any other public place in Willamina between the hour of 10:00 P.M. and sunrise of the following morning, unless:

(1) Such minor is accompanied by a parent, legal guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor.

(2) Such minor is then actually engaged in or traveling directly to or from a place of legal employment, school activity or function, religious activity or function, and their place of residence.

Section 2. Parental Responsibility. It shall be unlawful for any parent, guardian, or person having the care and custody of a minor under the age of 18 years to intentionally or knowingly or recklessly or negligently permit, allow, or sanction such unemancipated minor to be in violation of Section 1. of this ordinance.

Section 3. Penalties. Any minor who violates Section 1. of this ordinance may be taken into custody as provided in ORS 419.569 and may be subjected to further proceedings as provided in ORS 419.472 to 419.597, 419.800 to 419.839 and 419.990. Any parent, guardian, or person having care and custody of a minor under the age of 18, who shall violate the provisions of this ordinance shall be deemed guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than \$100.00, and that each act or violation of this ordinance will be adjudicated as a separate offense and be so punishable.

Section 4. Repeal. Ordinance No. 453, enacted September 1, 1978, is repealed.